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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Public (Services) DEPARTMENT (1951)

G.O. No. 319 Press
~~B.P. No.~~ Mis.

Dated 8-2-1951 ~~196~~

Not to be folded or roughly handled

Public Services - Recruitment - Representation of Andhras - Inadequcy to be set right - Rule introduced and instructions issued.

GOVERNMENT OF MADRAS.

Sub: Public Services - Recruitment - Representation of Andhras - Inadequacy to be set right - Rule introduced and instructions issued.

Public (Services) Department.

G.O.Ms.No.319 Dated the 8th February, 1951.

ORDER:-

As a result of representations received by Government that Andhras are not adequately represented in the various services, the question as to how best to set right the inadequacy has been engaging the attention of Government. There can be no real grievance about any such inadequate representation so far as the various subordinate posts in the districts are concerned as normally only persons belonging to the respective districts are appointed to such posts. Any such grievance can really exist only respect of the services or posts in the Madras City and those on a provincial basis where the incumbents are liable to serve in any part of the state. In this connection, the following possibilities have been considered:-

i) making a provision in the rules for recruitment on a regional basis,

ii) application of the principle of linguistic rotation and

iii) issuing of declarations under the existing rule 18 for the Madras State and Subordinate Services Rules requiring specific number of posts to be filled by candidates who possess an adequate knowledge of Telugu.

2. Article 16(2) of the Constitution prohibits reservation of appointments in favour of or discrimination against any citizen on grounds of descent, place of birth or resident. Any provision in the rules for recruitment on a regional basis will therefore be inconsistent with the provisions of the Constitution and cannot be made.

3. The rule relating to linguistic rotation merely down the language qualification that a candidate should possess and does not discriminate against any class of citizens on regional basis; a candidate from the Andhra region conversant with Tamil is in the same position as a Tamilian for the purpose of this rule and therefore the rule is not inconsistent with the

provisions of the Constitution. The rotation system is however complicated and extension of it to other services will make the working of the rule unduly cumbersome and difficult.

5. The existing rule 18 of the General Rules for the State and Subordinate Services allows any appointing authority to set right any inadequacy of officers conversant with the language of any particular region such as the Andhra region by issuing the necessary declaration under that rule. But this rule will apply only if in the opinion of the appointing authority a candidate or candidates with an adequate knowledge of a particular language or languages is or are necessary for holding a specified post or posts in any service, class or category. The posts in the service, class or category for which an adequate knowledge of Telugu is necessary will therefore have to be specified by the appointing authority first. It may not be always possible to do so. If for instance a service consists of ten posts the duties of which are indistinguishable, it will not be possible to lay down that for four of the ten posts in adequate knowledge of Telugu will be necessary nor will it be permissible to say that the posts should invariably be filled by a Telugu. To get over this difficulty, the Government have introduced a sub-rule under the existing General Rule 18 enabling certain proportion of posts to be reserved to be filled by Telugus, Tamils etc as in the notification in para 5 below. The power to issue the declaration contemplated in the rule has been reserved with the Government and the necessary declaration will be issued by Government in the administrative departments, concerned as and when necessary. The Heads of departments and the appointing authorities are informed that they should see that in respect of posts and services under them any inadequacy of Telugus which may exist is set right in making future selections and that for this purpose, they move the Government in the administrative department concerned to issue the necessary declarations so that

nearly 38 per cent of the posts are held by Telugu knowing officers.

5. The following notification will be published in the Fort St.George Gazette:-

NOTIFICATION.

In exercise of the powers conferred by the proviso to Article 309 read with Article 313 of the Constitution of India, His Excellency the Governor of Madras hereby makes the following amendment to the General Rules (Part II of the Madras State and Subordinate Services Rules) in Volume I of the Madras Services Manual, 1946.

AMENDMENT.

Rule 18 of the said rules shall be lettered as sub-rule (a) of that rule and to the rule as so lettered, the following sub-rule shall be added, namely:-

"(b) The State Government shall have power to declare that any proportion of posts in any service, class or category for which recruitment is made at the same time, shall be filled by candidates with an adequate knowledge of a particular language or languages and when such a declaration has been made, the rule of communal representation shall apply separately in regard to the proportion of posts in respect of which such a declaration has been made.

Explanation:- For the purpose of this sub-rule, a candidate with an adequate knowledge of a particular language shall mean a candidate who has acquired knowledge in that language in the High School courses".

Sd/

14-7-50

26-10-50.

To the Secretary, M.P.S.C.,
To all Heads of Depts. (including Collrs & Dt.Judges)
The Depts. of the Secretariat (including Public)
The Accountant General, Madras.
The Superintendent of Government Press for publication ~~in~~ of the notification in the Fort St.George Gazette and issue of correction slips to Vol.I of the Madras Services Manual, 1946.
To the Chairman, T.D.P.

/True copy/

SUPERINTENDENT,
22-3-71.

Gn/ 20.3.71 KB 20-3-71